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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**EMERSON REDEVELOPERS
URBAN RENEWAL, LLC,**

Plaintiff,

v.

**THE BOROUGH OF
EMERSON, NEW JERSEY, AND
DANIELLE DIPAOLA,**

Defendants.

Civil Action No.: 2:20-cv-04728

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

To: JOSEPH B. FIORENZO, ESQ.
STEPHEN M. KLEIN ESQ.
SILLS CUMMIS & GROSS P.C.
The Legal Center
One Riverfront Plaza
Newark, New Jersey 07102

COUNSELLOR(S):

PLEASE TAKE NOTICE THAT that the undersigned attorneys for defendant, Danielle DiPaola, will move this Court before Honorable Madeline Cox Arleo, U.S.D.J. at the United States District Courthouse for the District of

New Jersey, M.L. King Jr. Federal Bldg. & US Courthouse, 50 Walnut Street, Newark, New Jersey 07102, for an Order granting summary judgment pursuant to Fed. R. Civ. P. 56 dismissing plaintiff's first amended complaint with prejudice and for such other and further relief as the Court may deem proper in the circumstances.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to the Court's Letter Order entered June 13, 2024 (ECF No. 81), the return date is calculated to be December 2, 2024 at 10:00 a.m. or any date thereafter as set by the Court; the date for opposition, if any, is calculated to be on or before October 28, 2024; the date for reply, if any, is calculated to be: on or before November 18, 2024 and Courtesy Copies are not required unless the motion is filed under seal or supported by exhibits exceeding 50 pages pursuant to the Judicial Preferences of the Honorable Madeline Cox Arleo, U.S.D.J. (<https://www.njd.uscourts.gov/content/madeline-cox-arleo>).

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely upon the brief, declaration of counsel, statement of material facts not in dispute, and certification of service attached hereto in support of said application. A proposed form of Order is annexed hereto. Oral argument is requested if the Court deems it appropriate.

THE LAW OFFICES OF RICHARD MALAGIERE, PC

By: s/ Leonard E. Seaman

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Dated: September 13, 2024